

Invention I has Claims 1-18 drawn to an apparatus for separating undesirable material from coal. Invention II has Claims 19-27 drawn to a method for providing coal of a desired particle size. Invention III has Claims 28-45 drawn to apparatus for separating undesirable material from desirable material of a mixture. Invention IV has Claim 46 drawn to a method for providing particles of a desired part of a size. Invention V has Claim 47 drawn to a method for separating a mixture of coarse particles. Applicants elect Invention I having Claims 1-18 drawn to an apparatus for separating undesirable material from coal, with traverse.

The Examiner is requested to reconsider the restriction requirement in regard to Invention II and Invention III, and rescind it. The reason the Examiner should rescind the restriction requirement in regard to these other two inventions is because a patentability review of the claims of Invention I will reveal the patentability of the claims of Invention II and Invention III. This can be seen by the fact that Claim 1 has the limitations of an air swept pulverizer for breaking up coal into particles and a separation mechanism for separating undesirable material from coal. Claim 19 of Invention II has the steps of producing a first stream of particles and a second stream of particles and directing the second stream to a separation mechanism to further sort the second stream. The detailed patentability search regarding the separation mechanism for separating undesirable material from coal, also will reveal the patentability of a separation mechanism for further sorting the second stream. Furthermore, Claim 21 which is dependent to Claim 19 has a limitation that the first stream is

primarily of coal. Similarly, in Claim 28, there are the limitations of a fluid swept comminutor for breaking up a mixture, and a separation mechanism for separating undesired material from desired material, related to the narrower limitations of Claim 1.

The specific patentability review regarding Claim 1 of the pulverizer for breaking up coal in the separation mechanism for separating undesired material from coal will reveal the patentability of the broader claims of a fluid swept comminutor for breaking up the mixture and a separation mechanism for separating undesired material from desired material. Thus, a patentability review of Claims 1-18 of Invention I would reveal the patentability of Claims 19-27 of Invention II and Claims 28-45 of Invention III without the Examiner having to search additional classes or subclasses to determine the patentability of the latter two inventions.

If the Examiner does not agree with applicants' position, then once the Examiner makes the restriction requirement final, applicants will cancel the non-elected claims.

In view of the foregoing remarks, it is respectfully requested that this application be reconsidered and withdrawn, and Claims 1-47, now in this application be allowed.

Respectfully submitted,

ROBIN R. ODER, ET AL.

By Ansel Schwartz
Ansel M. Schwartz, Esquire
Reg. No. 30,587
201 N. Craig Street
Suite 304
Pittsburgh, PA 15213
(412) 621-9222

Attorney for Applicants

CERTIFICATE OF MAILING

I hereby certify that the correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, DC 20231

on 12/4/01
Ansel Schwartz

Ansel M. Schwartz
Registration No. 30,587

12/4/01
Date